

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTONIO MOLINA-QUINTERO,

Defendant.

Case No. 3:12-cr-00089-MMD-VPC

ORDER

(Def.'s Mtn. for Reduction – dkt. no. 27)

Before the Court is Defendant Antonio Molina-Quintero's Motion for Reduction of Time. (Dkt. no. 27.) Defendant's Motion is denied for the reasons discussed below.

On January 18, 2013, Defendant pled guilty to one count in the Indictment charging him with Deported Alien Found Unlawfully in the United States pursuant to a binding fast track Plea Agreement. (Dkt. no. 23.) The Court deferred acceptance of Defendant's plea and Plea Agreement until after it reviewed the Presentence Investigation Report. On March 7, 2013, the Court accepted Defendant's guilty plea and the Plea Agreement and sentenced him to thirty-seven (37) months in custody and three (3) years of supervised release pursuant to the terms of the parties' Plea Agreement. (Dkt. no. 25.) The Court issued the Judgment of Conviction on March 13, 2013. (Dkt. no. 26.)


About four months later, on July 15, 2013, Defendant filed his current Motion seeking a reduction of his sentence (dkt. no. 27.) Defendant asserts, incorrectly, that he

1 was sentenced to forty-one (41) months in custody. He also asserts that he has served
2 eleven (11) months without any incident and is eligible to home detention four (4)
3 months before his actual release. He asks the Court to either reduce his sentence or
4 impose conditions of supervised release to effectuate home confinement to allow for
5 early release.

6 However, the Court is without authority to provide for the relief requested. A
7 district court may not ordinarily modify an imposed term of imprisonment except for
8 some limited circumstances not applicable here. 28 U.S.C. § 1582(c). The Court thus
9 has no authority to modify Defendant's sentence imposed. Even assuming the Court
10 has this authority, Defendant has not demonstrated that he is entitled to the relief
11 requested. Defendant pled guilty pursuant to a binding Plea Agreement. After
12 examining Defendant and conducting its own independent evaluation, the Court found
13 that the sentence imposed was sufficient but not greater than necessary to ensure the
14 purposes of sentencing.

15 IT IS THEREFORE ORDERED that Defendant's Motion for Reduction of Time
16 (dkt. no. 27) is DENIED.

17
18 DATED THIS 7th day of August 2013.

19 
20 _____
21 MIRANDA M. DU
22 UNITED STATES DISTRICT JUDGE
23
24
25
26
27
28